

**ASSEMBLY BILL**

**No. 177**

**Introduced by Assembly Member Oropeza**

January 23, 2003

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An act to add Sections 13312.5 and 14105.3 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 177, as introduced, Oropeza. Elections: rights of voters.

Existing law requires each county elections official to prepare and provide to the voters a voter's pamphlet containing specified information concerning candidates in an election.

This bill would require that the voter's pamphlet include a statement setting forth various specified rights of voters during an election. The Secretary of State would be required to print posters, in English and Spanish, setting forth the list of rights, and to distribute the posters to county elections officials for display by precinct officials at their polling places.

By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13312.5 is added to the Elections Code,  
2 to read:

3 13312.5. Each voter's pamphlet prepared pursuant to Section  
4 13307 shall contain a statement entitled "Rights of Voters." The  
5 statement shall appear immediately before the sample ballot, and  
6 shall set forth, in not less than 12-point bold type, in both English  
7 and Spanish, the following list of rights:

8 1. A voter has the right to ask questions. The precinct board  
9 shall answer a voter's questions regarding election day procedures  
10 or refer the voter to an appropriate elections official for an answer.  
11 The precinct board may stop responding to questions, however, if  
12 it determines that questioning is interfering with the voting  
13 process.

14 2. A voter has the right to receive a new ballot at any time  
15 before his or her ballot is cast. To receive a new ballot, a voter must  
16 return the previously provided ballot to a poll worker or elections  
17 official. An absentee voter may also receive a new ballot. To  
18 receive a new ballot, an absentee voter must return the previously  
19 provided absentee ballot to an elections official before the election  
20 day polls close.

21 3. A voter has the right to a written receipt indicating that his  
22 or her vote was received. Each person voting at a polling place  
23 shall be given a receipt. The receipt shall indicate that the voter  
24 properly cast his or her vote and that the vote was received by the  
25 precinct board or an elections official. The receipt may not indicate  
26 how the voter cast his or her vote.

27 4. A voter has the right to know that his or her vote counts. It  
28 is fundamentally important to the democratic process that all  
29 eligible voters understand that their participation in the electoral  
30 process is one of the highest and most valued acts of civic  
31 responsibility.



1 5. A voter has the right to have his or her polling place stay open  
2 long enough to accommodate everyone who is present to vote at  
3 the time of closing.

4 6. The public has the right to request and receive public  
5 information at the polling place. This includes the right of  
6 get-out-the-vote workers to obtain a list of all voters who have  
7 voted.

8 7. Every person with a valid California voter notification card  
9 has the right to vote.

10 8. Every person whose name does not appear on the voting  
11 roster has the right to receive a provisional ballot at the polling  
12 place.

13 SEC. 2. Section 14105.3 is added to the Elections Code, to  
14 read:

15 14105.3. The Secretary of State shall print posters setting  
16 forth the voter rights listed in Section 13312.5. The posters shall  
17 be printed in English and Spanish and shall have “Rights of  
18 Voters” as their heading. The Secretary of State shall distribute the  
19 posters to all county elections officials sufficiently in advance of  
20 statewide elections for the county elections officials to distribute  
21 the posters to election precincts. Each precinct official shall  
22 exhibit one or more of the posters in conspicuous locations and  
23 shall exhibit both English and Spanish versions of the poster in  
24 polling places where there is a need for both versions, as  
25 determined by the respective county elections official.

26 SEC. 3. Notwithstanding Section 17610 of the Government  
27 Code, if the Commission on State Mandates determines that this  
28 act contains costs mandated by the state, reimbursement to local  
29 agencies and school districts for those costs shall be made pursuant  
30 to Part 7 (commencing with Section 17500) of Division 4 of Title  
31 2 of the Government Code. If the statewide cost of the claim for  
32 reimbursement does not exceed one million dollars (\$1,000,000),  
33 reimbursement shall be made from the State Mandates Claims  
34 Fund.

